

HOUSE COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 327

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
AMENDING THE NEW MEXICO TELECOMMUNICATIONS ACT TO REQUIRE EQUAL
APPLICATION OF REGULATORY REQUIREMENTS FOR LOCAL EXCHANGE
CARRIERS, COMPETITIVE ACCESS PROVIDERS AND INTEREXCHANGE
CARRIERS EXCEPT FOR THE REGULATION OF RATES PURSUANT TO SECTION
63-9A-8.1 NMSA 1978 (BEING LAWS 1998, CHAPTER 108, SECTION 61,
AS AMENDED) AND RULES ADOPTED PURSUANT TO THE RURAL
TELECOMMUNICATIONS ACT OF NEW MEXICO.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 63-9A-5 NMSA 1978 (being Laws 1985,
Chapter 242, Section 5, as amended) is amended to read:

"63-9A-5. REGULATION BY COMMISSION.--

A. Except as otherwise provided in the New Mexico
Telecommunications Act, each public telecommunications service

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1 is declared to be affected with the public interest and, as
2 such, subject to the provisions of that act, including the
3 regulation thereof as provided in that act.

4 B. The commission has exclusive jurisdiction to
5 regulate incumbent local exchange carriers that serve fifty
6 thousand or more access lines within the state only in the
7 manner and to the extent authorized by the New Mexico
8 Telecommunications Act, and Subsection B of Section 63-7-1.1
9 NMSA 1978 does not apply; provided, however, that the
10 commission's jurisdiction includes the regulation of wholesale
11 rates, including access charges and interconnection agreements
12 consistent with federal law and its enforcement and
13 determinations of participation in low-income telephone service
14 assistance programs pursuant to the Low Income Telephone
15 Service Assistance Act. The New Mexico Telecommunications Act
16 expressly preserves and does not diminish or expand:

17 (1) the rights and obligations of any entity,
18 including the commission, established pursuant to federal law,
19 including 47 U.S.C. Sections 251 and 252, or established
20 pursuant to any state law, rule, procedure, regulation or order
21 related to interconnection, intercarrier compensation,
22 intercarrier complaints, wholesale rights and obligations or
23 any wholesale rate or schedule that is filed with and
24 maintained by the commission;

25 (2) the rights and obligations of any

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1 competitive telecommunications service provider holding a
 2 certificate of public convenience and necessity, or the rights
 3 and obligations of any competitive local exchange carrier to
 4 obtain such a certificate;

5 (3) the authority of the commission to resolve
 6 consumer complaints regarding basic local exchange service;
 7 provided, however, that the commission's authority to resolve
 8 such complaints shall be limited to resolving issues of
 9 consumer protection and shall not include the authority to
 10 determine or fix rates, provider of last resort obligations or
 11 service quality standards except as expressly set forth in the
 12 New Mexico Telecommunications Act;

13 (4) the authority of the commission to
 14 establish reasonable quality of service standards; provided,
 15 however, that the enforcement of such standards shall be
 16 limited to the commission's fining authority set forth in
 17 Section 63-7-23 NMSA 1978 and the authority to seek an
 18 injunction set forth in Section 63-9-19 NMSA 1978;

19 (5) the rights and obligations of any entity,
 20 including the commission, regarding the fund;

21 (6) the rights and obligations of any entity,
 22 including the commission, regarding access to emergency service
 23 to the extent consistent with the Enhanced 911 Act; or

24 (7) the rights and obligations of any entity,
 25 including the commission, regarding the administration of

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1 slamming and cramming rules, telecommunications relay service
2 and numbering resources to the extent permitted by and
3 consistent with federal law.

4 C. For incumbent local exchange carriers that serve
5 fifty thousand or more access lines within the state, the
6 commission shall adopt relaxed regulations that provide for:

7 (1) reduced filing requirements for applicants
8 in rate increase proceedings under the New Mexico
9 Telecommunications Act; and

10 (2) expedited consideration in all proceedings
11 initiated pursuant to the New Mexico Telecommunications Act in
12 order to reduce the cost and burden for incumbent local
13 exchange carriers and other applicants.

14 D. Except for the regulation of rates consistent
15 with Section 63-9A-8.1 NMSA 1978 and rules adopted pursuant to
16 the Rural Telecommunications Act of New Mexico, the regulatory
17 requirements and the commission's regulation of [~~competitive~~]
18 local exchange carriers, competitive access providers and
19 interexchange carriers shall be [~~no greater than, and no more~~
20 ~~extensive than, that of incumbent local exchange~~] applied
21 equally to all other local exchange carriers, competitive
22 access providers and interexchange carriers [~~that serve fifty~~
23 ~~thousand or more access lines~~].

24 E. The provisions of the New Mexico
25 Telecommunications Act do not apply to incumbent rural

1 telecommunications carriers."

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